

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## 50 CFR Part 17

## Reproposal of Critical Habitat for the Coachella Valley Fringe-Toed Lizard.

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The Service republishes Critical Habitat for the Coachella Valley fringe-toed lizard (*Uma inornata*), known only from the Coachella Valley, Riverside County, California. Threatened status and Critical Habitat were originally proposed for this species on September 28, 1978 (43 FR 44806-08). The Critical Habitat portion of this proposal was withdrawn by the Service on March 6, 1979 (43 FR 12382-84) because of the procedural and substantive changes in prior law made by the Endangered Species Act Amendments of 1978 (Pub. L. 95-632; 92 Stat. 3751). This proposed rule complies with the new requirements. This action is based on information in the Office of Endangered Species. The Coachella Valley fringe-toed lizard, eight to eleven centimeters in snout-vent length, is whitish in color with many closely set black marks forming a network of outlined circular whitish areas. No other fringe-toed lizards occur within its range of central Riverside County, California, from Whitewater and the mouth of Snow Creek south to two miles east of Indi, California. The Coachella Valley fringe-toed lizard has been extirpated from large areas within its range. It is the Service's intent to include both the listing and Critical Habitat in any final rule which may be published. If this occurs the rule if promulgated, would provide protection to all wild populations of this species. Comments and information are sought from the public.

**DATES:** Comments from the public must be received by July 28, 1980. Comments from the Governor of California must be received by August 26, 1980. A public meeting on this proposal will be held on June 20, 1980, and a public hearing will be held on July 7, 1980.

**ADDRESSES:** Interested persons or organizations are requested to submit comments to Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments and materials relating to this proposed rule and available for public inspection by appointment during normal business hours at the Service's

Office of Endangered Species, Suite 500, 1000 North Glebe Road, Arlington, Virginia. The time and place of the public meeting and the public hearing on this proposal is presented in the table below.

**FOR FURTHER INFORMATION CONTACT:**

For further information on this republishing, contact Mr. John L. Spinks, Jr., Chief Office of Endangered Species (703/235-2771).

**SUPPLEMENTARY INFORMATION:****Background**

On November 3, 1977, the Fish and Wildlife Service published a notice in the *Federal Register* (42 FR 57492) to the effect that a review of the status of ten reptiles was being conducted. The Coachella Valley fringe-toed lizard was included as part of that review. Based on information received from the California Department of Fish and Game, the California State Office of the Bureau of Land Management and eight professional biologists, a proposal was published in the *Federal Register* (43 FR 44806-08) to list the Coachella Valley Fringe-toed lizard as Threatened and to designate its Critical Habitat. Before final action could be taken Congress passed the Endangered Species Act Amendments of 1978 (P. L. 95-632; 92 Stat. 3751). These amendments substantially modified the procedures the Service must follow when designating critical Habitat. In order to comply with the new requirements the critical Habitat portion of the proposed rulemaking was withdrawn, March 6, 1979 (44 FR 12382-84). The present proposed rule will bring the Critical Habitat proposal for the Coachella Valley fringe-toed lizard into conformity with the Endangered Species Act of 1973 (87 Stat. 884; 16 U.S.C. 1531 *et seq.*), as amended.

The Coachella Valley fringe-toed lizard is known only from the Coachella Valley, Riverside County, California. Like other members of the genus *Uma*, it is adapted for living in fine wind-blown sand, and it is restricted to areas where this habitat occurs in the floor of the Coachella Valley.

At times, the Coachella Valley fringe-toed lizard has been considered a subspecies of the Colorado fringe-toed lizard (*Uma notata*). A recent study proposes reestablishing the single species *Uma notata* by lumping the Coachella Valley, the Colorado and the Mohave (*Uma scoparia*) fringe-toed lizards, but it does not address the subject of subspecies. Based on current reproductive, physiological and behavioral evidence, most experts agree

on the existence of either three discrete species or three subspecies.

The Coachella Valley fringe-toed lizard is of special interest to scientists because of its morphological and behavioral adaptations to sandy habitats, and its evolutionary relationships to other closely related species.

A detailed summary of comments responding to the notice of status review, to the original proposal for listing the species and its habitat, and to this republishing of Critical Habitat will appear if a final rule is published.

**Factors Affecting the Species**

In 50 CFR 424.11(b) of the Service's regulations for Listing Endangered and Threatened Species and Designating Critical Habitat (45 FR 13022-26) it is stated that:

A species shall be listed if the Director determines on the basis of the best scientific and commercial data available to him: after conducting a review of the species' status that the species is Endangered or Threatened because of any one or a combination of the following factors:

- (1) The present or threatened destruction, modification, or curtailment of its habitat or range;
- (2) Utilization for commercial, sporting, scientific, or educational purposes at levels that detrimentally affect it;
- (3) Disease or predation;
- (4) Absence of regulatory mechanisms adequate to prevent the decline of a species or degradation of its habitat; and
- (5) Other natural or manmade factors affecting its continued existence.

These factors, and their application to the Coachella Valley fringe-toed lizard, are as follows:

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The historical range of the Coachella Valley fringe-toed lizard was approximately 324 square miles, which probably included about 200 square miles of suitable habitat. The results of a study funded by the California Department of Fish and Game indicated that by 1975 the historical range of this species had been reduced by 27 percent to 236 square miles. Further, suitable habitat, including marginal areas, comprised only 120 square miles or a reduction of 40 percent. Aerial photographs taken by the U.S. Army Corps of Engineers in 1979, and ground survey conducted in 1975, indicate further loss of suitable habitat. According to these surveys, A. S. England estimated that some 99 square miles of suitable habitat still remained as of 1979. These losses have occurred as a result of rapid urban and agricultural growth in the Valley since 1945, and this trend is expected to

continue at an even greater pace in the future.

In 1940, the human population in the Coachella Valley was 12,000. By 1970, it had risen to over 100,000, and has been projected to reach 139,500 to 164,000 by 1990. Population projections made for the early 1970's already have proven to be too low. These predictions were only for permanent populations, and in 1971, seasonal residents represented an additional 40 percent of the total population. At the present time, none of the lizard's habitat has been permanently preserved. An analysis of city and county general plans and county zoning has shown that all remaining habitat could eventually be developed.

Much of the habitat in the southern and eastern part of the Valley is being invaded by dense stands of Russian thistle (*Salsola iberica*), a noxious weed introduced from Europe. This is a recent phenomenon and may be having a detrimental impact on the blow-sand habitat of the fringe-toed lizard by causing stabilization, and thus, allowing other plants to invade. Tamarisk (*Tamarix aphylla*) wind-breaks have been planted throughout the Valley to protect agricultural and urban developments. A row of 40 foot trees can create a windshadow up to 1,200 feet wide on the leeward side of the windbreak, causing changes in soil movement patterns. The potential effects of these plantings on fringe-toed lizard populations are not known.

There is heavy off-road vehicle use in parts of the Valley. Studies in other areas show that this activity can have significant negative effects on densities and biomass of vertebrate populations.

2. *Utilization for commercial, sporting, scientific or educational purposes at levels that detrimentally affect it.* Although existing State regulations prohibit collecting more than two fringe-toed lizards per day without a special permit, collecting for the pet trade has continued. This is due primarily to a sharp increase in prices paid for reptiles. During the spring of 1978, several violations involving the Coachella Valley fringe-toed lizard were issued for over-collecting without a license. The extent of this problem is not known.

3. *Disease or predation.* Not applicable.

4. *Absence of existing regulatory mechanisms adequate to prevent the decline of a species or degradation of its habitat.* To the present, nothing has been done to prevent the continued loss of Coachella Valley fringe-toed lizard habitat through conversion to urban and agricultural land uses. Although a

county ordinance restricts the use of off-road vehicles on private lands without possession of written permission from the landowner, heavy use continues in certain areas and habitat conditions have deteriorated.

5. *Other natural or man-made factors affecting its continued existence.* Not applicable.

#### Critical Habitat

50 CFR 424.02 defines "Critical Habitat" to include (a) areas within the geographical area occupied by the species at the time that species is listed which are essential to the conservation of the species and (b) which may require special management considerations or protection; and specific areas outside the geographic area occupied by the species at the time, upon a determination by the Director that such areas are essential for the conservation of the species.

The new proposed Critical Habitat for the Coachella Valley fringe-toed lizard comprises an area of approximately 11,920 acres (18½ square miles) of privately owned land in Riverside County, California, bounded to the east by Washington Street, Hidden Palms and Thousand Palms Oasis and Canyon. The town of Thousand Palms is outside the western boundary of the proposed Critical Habitat. The Southern Pacific Railroad, the Thousand Palms-Dry Camp Siding and Interstate Freeway I-10 are outside the southwestern boundary of the proposed area. A 220 KV transmission line and natural gas pipeline run through the northern part of the area.

As specified in the listing regulations (50 CFR 424.12(b)), "The Director shall consider in determining what areas are Critical Habitat those physiological, behavioral, ecological, and evolutionary requirements essential to the conservation of the species and which may require special management consideration or protection. These requirements include, but are not limited to:

- (1) Space for individual and population growth and normal behavior;
- (2) Food, water, air, light, minerals, or other nutritional or physiological requirements;
- (3) Cover or shelter;
- (4) Sites for breeding, reproduction, rearing of offspring . . . and generally,
- (5) Habitats that are protected from disturbance or are representative of the historic geographical and ecological distributions of listed species."

With respect to the Coachella Valley fringe-toed lizard, the areas proposed as Critical Habitat satisfy all known criteria for the evolutionary, ecological,

behavioral, and physiological requirements of the species. Nesting and successful incubation of eggs occurs within the proposed area. Shelter and hibernation sites are present in the dunes and adjacent sandy habitat. Organisms on the dunes provide food for the lizards, and the sand provides sufficient cover from disturbance and over-heating. Sufficient areas for normal growth of both the population and individual lizards are provided within the proposed Critical Habitat.

The area proposed does not include the entire habitat of this lizard, and modifications to Critical Habitat descriptions may be proposed in the future.

#### Effect of This Proposal if Published as a Final Rule

If the Coachella Valley fringe-toed lizard is listed as a Threatened species and this reproposal to designate Critical Habitat is published as a final rule, Regulations already published in Title 50, section 17.31 of the Code of Federal Regulations setting forth a series of general prohibitions and exceptions for all Threatened species would be applicable. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale the species in interstate or foreign commerce. It also would be illegal to possess, sell, deliver, carry, transport, or ship any such species which was illegally taken. Certain exceptions would apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving Threatened species under certain circumstances. Regulations governing permits for Threatened species are at 50 CFR 17.32. Such permits are available for scientific purposes or to enhance the propagation or survival of the species. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship which would be suffered if such relief were not available.

If published as a final rule this reproposal would require Federal agencies not only to insure that activities they authorize, fund, or carry out, are not likely to jeopardize the continued existence of the Coachella Valley fringe-toed lizards, but would also require them to insure that their actions do not result in the destruction or adverse modification of the Critical Habitat as determined by the Director of the Service.

The Service is required to consider economic and other impacts of specifying a particular area as Critical Habitat, and a draft impact analysis has been prepared. The Service is notifying Federal agencies that may authorize, fund or carry out activities in the area under consideration in this proposed rule. These Federal agencies and other interested persons or organizations are requested to submit information on economic and other impacts of this proposed action. The Service will prepare a final impact analysis prior to the time of publishing a final rule, and will use this document as the basis for its decision whether to modify the area proposed for Critical Habitat for the Coachella Valley fringe-toed lizard.

Several activities involving Federal agencies are presently known which may have an impact on the habitat of the Coachella Valley fringe-toed lizard. These include construction of a sewer line if Department of Housing and Urban Development support is involved, construction of a 500 KV transmission line if additional Federal licenses and permits are required by the Federal Energy Regulatory Commission and the Bureau of Land Management, and possible sale of lots, homes and mobile homes using FHA/VA guaranteed loans. Outside the proposed Critical Habitat area, but in fringe-toed lizard habitat, there is a proposed northward extension of the Coachella Canal that threatens to expand greatly agricultural developments in the Valley.

The U.S. Army Corps of Engineers is investigating potential flood hazards and the feasibility of various flood control alternatives on the Whitewater River in the northwest portion of the Valley. Such control would facilitate urban expansion in the Valley. No other Federal activities are known that may impact the habitat of the Coachella Valley fringe-toed lizard.

It should be emphasized that Critical Habitat designation may not affect any of the Federal activities previously mentioned. If appropriate, the impacts will be addressed during conferral or consultation with the Service as required by Section 7 of the Endangered Species Act, as amended. Modification, and not curtailment, of the affected Federal activity has traditionally been the result of Section 7 consultations.

The following source documents were consulted in the development of this Critical Habitat proposal:

#### References

- Adest, G.A. 1977. Genetic relationships in the genus *Uma* (Iguanidae). Copeia 1977:47-52.
- Bury, R.B., R.A. Luckenback, and S.D. Busack. 1977. Effects of off-road vehicles on vertebrates in the California desert. Wildlife Research Report No. 8, U.S. Fish and Wildlife Service, 23 pp.
- England, A.S. and S.G. Nelson. 1976. Status of the Coachella Valley fringe-toed lizard (*Uma inornata*). Inland Fisheries Admin. Report 77-1, Department of Game and Fish, State of California.
- Norris, K.S. 1958. The evolution and systematics of the iguanid genus *Uma* and its relation to the evolution of other North American desert reptiles. Bull. Amer. Mus. Nat. Hist. 114:247-328.
- Pough, F.H. 1973 *Uma inornata*. Cat. Amphib. Rept. 126.1-126.2.
- Stebbins, R.C. 1944. Some aspects of the ecology of the iguanid genus *Uma*. Ecol. Monog. 14:311-332.
- Turner, F.B., P.A. Medica, and H.O. Hill. 1978. The status of the flattailed horned lizard (*Phrynosoma m'calli*) at nine sites in Imperial and Riverside counties, California. Bureau of Land Management—Desert Planning Staff, Riverside, Calif. Preliminary Report.

#### Public Comments Solicited

The Director intends that the rules finally adopted will be as accurate and effective as possible in the conservation of any Endangered or Threatened species. Therefore, any comments or suggestions for the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of this proposed rule is hereby solicited. Comments particularly are sought concerning:

(1) Biological, commercial, or other relevant data concerning any threat (or the lack thereof) to the species included in this proposal;

(2) The location of and the reasons why any habitat of this species should or should not be designated as Critical Habitat;

(3) Additional information concerning the range and distribution of this species;

(4) Current or planned activities which may adversely modify the area which is being considered for Critical Habitat; and

(5) The foreseeable economic and other impacts of the Critical Habitat designation on federally funded or authorized projects.

#### Public Meetings

The Service hereby announces that a public meeting and hearing will be held on this proposed rule. The public is invited to attend this meeting or hearing and to present opinions and information on the proposal. Specific information relating to the public meeting and the hearing is set out below:

Place: Public meeting—Palm Springs Spa Hotel, 100 North Indian Avenue and Tahquitz Dr., Palm Springs, Calif.; date: June 20, 1980; time: 7:30 p.m.; subject: Proposed critical habitat determination: Coachella Valley—Fringe-toed Lizard.

Place: Public hearing—Palm Springs Spa Hotel, 100 North Indian Avenue and Tahquitz, Dr., Palm Springs, Calif.; date: July 7, 1980; time: 7:30 p.m.

#### National Environmental Policy Act

A draft environmental impact assessment has been prepared in conjunction with this proposal. It is on file in the Service's Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia, and may be examined by appointment during regular business hours. A determination will be made at the time of final rulemaking as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969 (40 CFR 1500-1508).

#### Primary Author

The primary authors of this rule are Kathleen E. Franzreb, Office of Endangered Species, Sacramento Area Office, 2800 Cottage Way, Sacramento, California 95825, (916/484-4106) and Suzanne Mayer, Office of Endangered Species, Washington, D.C. 20240, (703/234-1975).

#### Regulations Promulgation

##### § 17.95 [Amended]

It is proposed that 50 CFR 17.95(c), Reptiles, be amended by adding Critical Habitat of the Coachella Valley fringe-toed lizard after that of the American Crocodile as follows:

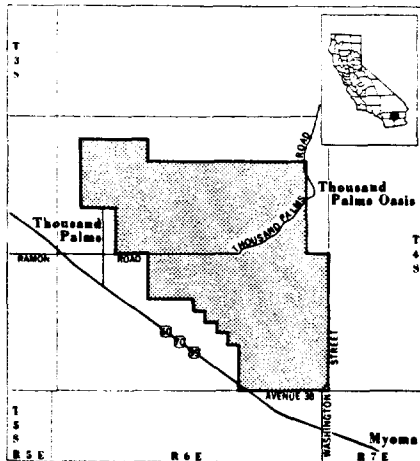
#### Coachella Valley Fringe-Toed Lizard

(*Uma inornata*)

California, Riverside County: S ½ Section 5, SE ¼ Section 6, E ½ Section, 7, all of sections 8 through 11, W ½ Section 12, W ½ Section 13, all of sections 14 through 16, E ½ Section 17, E ½ NW ¼ Section 17, E ½ SW ¼ Section

17, all of sections 21 through 26, E ½ NW ¼, NW ¼ NW ¼, NW ¼ SE ¼, E ½ SE ¼, NE ¼ Section 27, all of sections 35 and 36, T4S R6E. Known primary constituent elements include areas of loose aeolian sand of extreme aridity with minimum temperature of 26° C and maximum temperature of 40° C, and sparse vegetation, mainly creosote bush, with sufficient food, primarily insects.

Coachella Valley Fringe-Toed Lizard  
Riverside Co., Calif.



Dated: May 20, 1980.

Lynn A. Greenwalt,  
Director, Fish and Wildlife Service.

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